

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DAVID LUCESCU, Individually and On
Behalf of All Others Similarly Situated,

v.
Plaintiff,

MIKE ZAFIROVSKI and PAVI BINNING,

Defendants.

No. 09-cv-4691-DLC

ECF CASE

ORAL ARGUMENT REQUESTED

**NOTICE OF DEFENDANTS'
MOTION TO DISMISS THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint and supporting Declaration of Christina L. Golden, Defendants will move this Court, before the Honorable Denise L. Cote, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, at a date and time designated by the Court, pursuant to Federal Rules of Civil Procedure 8, 9(b), and 12(b)(6) and the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4, for an Order: (a) dismissing the Amended Complaint with prejudice and (b) granting such other and further relief as this Court may deem just and proper.

Dated: New York, New York
October 6, 2017

MORRISON & FOERSTER LLP

By: /s/ Joel C. Haims

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